

THE  
**JOEL BIEBER**  
FIRM

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	Richard W. Zahn, Jr. *

LICENSED TO PRACTICE IN:

\*VA ♦NC ♦SC ■GA ★LA ♦DC ♦WV ●MD ★MA ΔNJ  
▲of Counsel

July 16, 2020

**Via Email Only:** [dwaugh@travelers.com](mailto:dwaugh@travelers.com)  
Travelers Property Casualty Company of America  
P.O. Box 430  
Buffalo, NY 14240-0430

RE:	Our Client:	Della A. Peterson
	Your Insured:	Deli Management, Inc.
	Claim No:	FDW4580
	DOI:	08/09/2018

Dear Mr. Waugh:

At this point we have not heard back with a settlement offer in this case. It is possible that the claim will settle, but at this time we need to file a Complaint. The Defendant will not be served.

Please find a copy of said Complaint.

Sincerely,

  
Gregory T. O'Halloran

GTO/amr

**COVER SHEET FOR FILING CIVIL ACTIONS**

COMMONWEALTH OF VIRGINIA

Case No. \_\_\_\_\_

(CLERK'S OFFICE USE ONLY)

HENRICO

Circuit Court

DELLA A. PETERSON

v./In re: DELI MANAGEMENT, INC. d/b/a JASON'S DELI

PLAINTIFF(S)

DEFENDANT(S)

and BRETT A. WINTERS

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

**GENERAL CIVIL****Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Counterclaim  
☐ Monetary Damages  
☐ No Monetary Damages  
☐ Cross Claim  
☐ Interpleader  
☐ Reinstatement (other than divorce or driving privileges)  
☐ Removal of Case to Federal Court

**Business & Contract**

- ☐ Attachment  
☐ Confessed Judgment  
☐ Contract Action  
☐ Contract Specific Performance  
☐ Detinue  
☐ Garnishment

**Property**

- ☐ Annexation  
☐ Condemnation  
☐ Ejectment  
☐ Encumber/Sell Real Estate  
☐ Enforce Vendor's Lien  
☐ Escheatment  
☐ Establish Boundaries  
☐ Landlord/Tenant  
☐ Unlawful Detainer  
☐ Mechanics Lien  
☐ Partition  
☐ Quiet Title  
☐ Termination of Mineral Rights

**Tort**

- ☐ Asbestos Litigation  
☐ Compromise Settlement  
☐ Intentional Tort  
☐ Medical Malpractice  
☐ Motor Vehicle Tort  
☐ Product Liability  
☐ Wrongful Death  
☒ Other General Tort Liability

**ADMINISTRATIVE LAW**

- ☐ Appeal/Judicial Review of Decision of (select one)  
☐ ABC Board  
☐ Board of Zoning  
☐ Compensation Board  
☐ DMV License Suspension  
☐ Employee Grievance Decision  
☐ Employment Commission  
☐ Local Government  
☐ Marine Resources Commission  
☐ School Board  
☐ Voter Registration  
☐ Other Administrative Appeal

**DOMESTIC/FAMILY**

- ☐ Adoption  
☐ Adoption - Foreign  
☐ Adult Protection  
☐ Annulment  
☐ Annulment - Counterclaim/Responsive Pleading  
☐ Child Abuse and Neglect - Unfounded Complaint  
☐ Civil Contempt  
☐ Divorce (select one)  
☐ Complaint - Contested\*  
☐ Complaint - Uncontested\*  
☐ Counterclaim/Responsive Pleading  
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution  
☐ Separate Maintenance  
☐ Separate Maintenance Counterclaim

**WRITS**

- ☐ Certiorari  
☐ Habeas Corpus  
☐ Mandamus  
☐ Prohibition  
☐ Quo Warranto

**PROBATE/WILLS AND TRUSTS**

- ☐ Accounting  
☐ Aid and Guidance  
☐ Appointment (select one)  
☐ Guardian/Conservator  
☐ Standby Guardian/Conservator  
☐ Custodian/Successor Custodian (UTMA)  
☐ Trust (select one)  
☐ Impress/Declare/Create  
☐ Reformation  
☐ Will (select one)  
☐ Construe  
☐ Contested

**MISCELLANEOUS**

- ☐ Amend Death Certificate  
☐ Appointment (select one)  
☐ Church Trustee  
☐ Conservator of Peace  
☐ Marriage Celebrant  
☐ Approval of Transfer of Structured Settlement  
☐ Bond Forfeiture Appeal  
☐ Declaratory Judgment  
☐ Declare Death  
☐ Driving Privileges (select one)  
☐ Reinstatement pursuant to § 46.2-427  
☐ Restoration - Habitual Offender or 3<sup>rd</sup> Offense  
☐ Expungement  
☐ Firearms Rights - Restoration  
☐ Forfeiture of Property or Money  
☐ Freedom of Information  
☐ Injunction  
☐ Interdiction  
☐ Interrogatory  
☐ Judgment Lien-Bill to Enforce  
☐ Law Enforcement/Public Official Petition  
☐ Name Change  
☐ Referendum Elections  
☐ Sever Order  
☐ Taxes (select one)  
☐ Correct Erroneous State/Local  
☐ Delinquent  
☐ Vehicle Confiscation  
☐ Voting Rights - Restoration  
☐ Other (please specify) \_\_\_\_\_

☒ Damages in the amount of \$ 5,700,000.00 are claimed.

July 16, 2020  
 DATE

Gregory T. O'Halloran, Esquire (VSB No. 48618)

PRINT NAME

The Joel Bieber Firm, 6806 Paragon Place, Suite 100

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

Richmond, Virginia 23230 - Telephone: (804) 358 - 2200

gohalloran@joelbieber.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☐ PLAINTIFF

☐ DEFENDANT

☒ ATTORNEY FOR

☒ PLAINTIFF

☐ DEFENDANT

\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO**

**DELLA A. PETERSON,**

**Plaintiff,**

**v.**

**Case No.: \_\_\_\_\_  
JURY TRIAL DEMANDED**

**DELI MANAGEMENT, INC.  
d/b/a JASON'S DELI,**

**Serve: Deli Management, Inc. d/b/a Jason's Deli  
c/o CT Corporation System, Registered Agent  
4701 Cox Road, Suite 285  
Glen Allen, Virginia 23060-6808**

**and**

**BRETT A. WINTERS,**

**Serve: Brett A. Winters, Manager  
Jason's Deli  
1700 Willow Lawn Drive, Suite 108  
Richmond, Virginia 23230-3003**

**Defendants.**

**COMPLAINT**

Comes now the Plaintiff, Della A. Peterson, by counsel and demands judgment against the Defendants, Deli Management, Inc. and Brett A. Winters, jointly and severally, on the grounds and in the amount as hereinafter set forth:

1. This incident occurred on or about August 9, 2018, in the County of Henrico.
2. Plaintiff, Della A. Peterson, is a resident of the County of Henrico, Virginia.

3. Defendant Deli Management, Inc. have appointed registered agents in the Commonwealth of Virginia and are a business entity authorized to conduct business in the Commonwealth of Virginia.

4. Upon information and belief, and at all material times, Defendant Brett A. Winters was the General Manager of Jason's Deli, and was acting as an agent, servant and employee of Defendant Deli Management, Inc. d/b/a Jason's Deli.

5. This Court has proper jurisdiction over the parties and venue is just and proper in this Court.

6. Upon information and belief, Deli Management, Inc., owned and operated a Restaurant, trading as "Jason's Deli" located at 1700 Willow Lawn Drive, Suite 108, Richmond, Virginia.

7. On August 9, 2018, Plaintiff, Della A. Peterson, visited "Jason's Deli", located at 1700 Willow Lawn Drive, Suite 108, Richmond, Virginia for lunch.

8. At all relevant times, Ms. Peterson was a customer and an invitee of "Jason's Deli" located at 1700 Willow Lawn Drive, Suite 108, Richmond, Virginia.

9. At that time and place, Ms. Peterson had her lunch, and walked to the counter to get a "to go" container. As she walked in front of the drink cooler, she slipped on a liquid on the floor and fell to the ground.

10. At all relevant times, Deli Management and Brett A. Winters, (hereinafter referred to collectively as "Defendants"), their agents, servants and employees, had a duty to inspect and maintain the premises and otherwise exercise ordinary care to make the premises safe for the persons lawfully on the premises including the Plaintiff, Della A. Peterson.

11. At all relevant times, Defendants had a duty to warn persons lawfully on the premises including the Plaintiff, Della A. Peterson, of unreasonably dangerous and/or hazardous conditions which Defendants knew, or in exercise of reasonable care should have known existed.

12. Notwithstanding the aforesaid duties, Defendants allowed the aforementioned property to be opened on August 9, 2018, thereby inviting the public, including Della A. Peterson, onto the premises, even though Defendants knew, or in the exercise of reasonable care should have known, that the condition of the premises at the aforementioned time and place constituted an unreasonably dangerous and hazardous condition to persons lawfully on the premises, including the Plaintiff, Della A. Peterson.

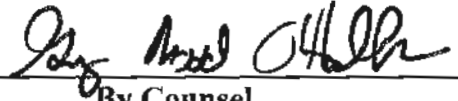
13. Notwithstanding the aforesaid duties, Defendants, their agents, servants, and/or employees failed to warn Plaintiff of the unreasonably dangerous and hazardous condition of the premises at the aforementioned time and place.

14. Notwithstanding the aforesaid duties, Defendants, their agents, servants and/or employees did carelessly, negligently, and recklessly allow to exist, without warning, an unreasonably dangerous and hazardous condition in the nature of a wet floor, in an area used by the public at 1700 Willow Lawn Drive, Suite 108, Richmond, Virginia.

15. As a direct and proximate result of Defendants' negligence, Plaintiff was caused to slip and fall as she was traveling through the premises, and suffered severe and permanent injuries. In addition, Plaintiff has suffered and will in the future suffer great pain of body and mind; has incurred and will in the future incur doctor, hospital, surgical and related medical expenses in an effort to be cured of said injuries; has been prevented from transacting her business; has suffered and will suffer great inconvenience; and has sustained other damages.

**WHEREFORE**, the Plaintiff demands judgment against the Defendants Deli Management, Inc. and Brett A. Winters, jointly and severally, in the sum of \$5,700,000.00 (Five million seven hundred thousand dollars) in compensatory damages, plus the cost of these proceedings and prejudgment and post-judgment interest from August 9, 2018.

**DELLA A. PETERSON**

  
By Counsel

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(804) 358-2200  
(804) 358-2262 (Facsimile)  
*Counsel for Plaintiff*